

REMARKS

Claims 1-24 are pending, claims 15-14 are withdrawn. Claims 1 and 3-8 are amended, and claims 2 and 9-14 are canceled herein, without prejudice. Applicants disagree with all rejections and makes these claim changes only to expedite prosecution and move to allowance as soon as possible. No new matter has been added by the amendment, support therefore being found throughout the specification as filed. Favorable reconsideration in light of the remarks which follow is respectfully requested.

1. Objections

The sequence listing is objected to because the “specification (page 86) discloses that SEQ ID NO: 1 is the sequence of SEMA4B, which is a protein encoded by SEMA4B gene of GenBank Accession No. XM-044533; NM_198925 gene, or NM_020210 gene. However, an alignment with an amino acid sequence that is encoded by NM_020210 (NP_064595.2, GI:39777608) with SEQ ID NO: 1 is not 100% identical.” The Office further points to copending 10/540,394 which indicates that there is an error in the amino acid sequence for SEQ ID NO: 1.

Applicants are filing herewith a revised sequence listing correcting SEQ ID NO: 1

It is noted that the foregoing amendments to the specification are made to insert the required SEQ ID NO identifiers associated with a single listed sequence as well as to incorporate by reference the Sequence Listing filed concurrently herewith. Additionally, SEQ ID NOS 1-12 have been corrected to accurately reflect GenBank accession number XM_044533. Applicants contend that one of ordinary skill in the art would realize that the sequence listing as filed contained obvious typographical errors in view of the specification (particularly reference to specific deposits). For example, one of ordinary skill would understand from the specification that the sequences should correspond to those of GenBank Accession No. XM_044533. The present amendments to the Sequence Listing merely correct these typographical errors.

2. 35 U.S.C. §101 Rejections

Claims 1-3 and 5-14 are rejected under 35 U.S.C. §101 as allegedly being directed to

non-statutory subject matter. Applicants have amended the claims, as proposed, to specify an “isolated antibody”. Reconsideration and withdrawal of the rejection is respectfully requested.

3. 35 U.S.C. §112 Rejections

Claims 1-14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Office asserts that claims 1-3 and 8-11 are indefinite because the phrase “substantially the same amino acid sequence as the amino acid sequence represented by” is not defined in the specification. Without agreeing with or acquiescing to the rejection, Applicants have amended the claims so as to delete this language. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-14 are further rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Without agreeing with or acquiescing to the rejection, Applicants have amended the claims so as to recite an isolated antibody that inhibits the binding of a protein comprising the amino acid sequence represented by SEQ ID NO:1, to a protein comprising amino acid sequence represented by SEQ ID NO: 26. Reconsideration and withdrawal of the rejection is respectfully requested.

4. 35 U.S.C. §102 Rejections

Claims 1-8 are rejected under 35 U.S.C. 102(b) over Herold (Herold C., et al., Int. Immunology 7:1-8, 1994). Applicants respectfully traverse.

Without agreeing with or acquiescing to the rejection, Applicants have amended the claims so as to delete the language “substantially the same” and “partial peptide” and, as such, are not encompassed by Herold. In view thereof, it is respectfully submitted that claims 1 and 8 are clearly patentable over Herold. Claims 2-7 depend from claim 1 and, thus, also are patentable over Herold. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-14 are further rejected under 35 U.S.C. §102(b) over Herold and Giordano (Giordano, S., et al. Nature Cell Biology, 4: 720-724, 2002). Applicants respectfully traverse.

As set out above, it is respectfully submitted that Herold at least does not teach or suggest Applicants' substance or agent as recited in amended claims 1 and 8. Giordano is cited for allegedly providing evidence that CD 100 (Semaphorin 4D) stimulates invasive growth in epithelial cells expressing Plexin B1, and further describes that CD 100 (Semaphorin 4D) causes tyrosine phosphorylation of Plexin B1. However, Giordano does not remedy the above-noted deficiencies in Herold. In view thereof, it is respectfully submitted that claims 1 and 8, and all claims dependent therefrom, are patentable over Herold and Giordano. Reconsideration and withdrawal of the rejection is respectfully requested.

5. Double Patenting

Claims 1-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting in view of claims 15, 25, 26, 29, 30, 43-48, 52-54, and 58-63 of copending Application No. 10/540,394. Applicant will further address the obviousness-type double patenting rejection upon a finding that the claims are in condition for allowance but for the obviousness-type double patenting rejection.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. If a telephone conversation with Applicant's representative would help expedite the prosecution of the application, Applicant urges the Examiner to call the undersigned at (617) 517-5512.

Applicant authorizes the Director to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 04-1105, under Order No. 65792(46342).

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Respectfully submitted,

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